

REMARKS

Claims 24-28 are pending for further examination. Claims 24-25 are currently amended.

Claim Objections

Claim 24 was objected to for an informality. Applicant has amended the claim to address the informality and respectfully requests withdrawal of the claim objection.

35 U.S.C. §112, 2nd Paragraph Rejections

Claim 24 was rejected as having insufficient antecedent basis for the term "the card information" and the term "corresponding second information."

Claim 24 also was rejected because it was allegedly unclear if the "first information" and the "second information" are combined or synthesized into "card issuing information."

Applicant has amended claim 24 to address the foregoing issues and respectfully requests withdrawal of the claim rejections.

35 U.S.C. §103(a) Rejections

Claims 24-28 were rejected as unpatentable over Park et al. (U.S. Patent App. No. 2002/0194137) in view of Haynes, III et al. (U.S. Patent No. 6,161,181).

Independent claim 24 recites, in part, a cardless sales system that includes a sales processing device that receives card issuing information from a mobile communication terminal and performs sales processing based on the card issuing information. The sales processing device includes 1) a separating means, 2) a generating means, 3) a determination means and 4) a sales performing means.

The separating means separates the information received from the mobile device into first and second information. The first information corresponds to "card information" that has been encrypted with a first key. The fourth generating means then encrypts the separated first information. Subsequently, the determination means evaluates the validity of the card information by comparing the encrypted first information with the separated second information.

Should the card information be identified as valid, the sales performing means proceeds with sales processing.

Accordingly, the foregoing configuration enables the sales processing device to certify the validity of the card information without having to decrypt the first information and recover the card information. Furthermore, there is no need to transmit sensitive card information to a card company for verification. As a result, secure sales transactions can, in some implementations, be performed without the need for signatures and without the need to store a first key on the sales processing device.

In contrast, there is no disclosure in the Park et al. reference that the base unit (BU) 235, which the Office action alleges corresponds to the claimed "sales processing device," includes a "fourth generating means for *encrypting*" first information that has been separated by a separating means in the base unit 235. Although the BU 235 creates an encryption key, this key is sent to the mobile unit (MU) 230, which subsequently performs the encryption. As explained in paragraph 188 of the Park et al. reference (emphasis added):

The MU 230 extracts an encryption key from the encryption key signal, reads the card information stored in the card information memory 217, and encrypts the read card information with the extracted encryption key again. The thus-encrypted card information is transmitted to the BU 235. The BU 235 *decodes* the received card information with a possessed encryption key and then restores the decoded card information into card information according to a predetermined compression table.

Accordingly, the base unit 235 merely decodes received card information. There is no disclosure that the base unit 235 includes separating means and a fourth generating means to *encrypt* information separated by a separating means.

Furthermore, there would have been no reason to incorporate the double encryption of the Haynes III, et al. patent into the base unit 235 of the Park et al. reference, as alleged by the Office action (*see* Office action, pg. 6). As explained above, encryption in the Park et al. reference is performed in the mobile unit 230, not in the base unit 235. Indeed, it would not have made any sense for one of ordinary skill in the art to incorporate the double encryption of the

Haynes III, et al. patent into the base unit 235 of the Park et al. reference. By adding encryption steps at the base unit 235, additional decoding steps would be required to obtain the card information, leading to an increase in processing time without any additional gain in security.

The Office action further requests the Applicant to expressly state their belief as to whether 35 U.S.C. §112, 6th paragraph should be invoked for the purpose of interpreting the "means for" language in the claims. Applicants respectfully submit that such an explicit statement is not required. Regardless of whether or not the "means for" claim language is interpreted as subject to 35 U.S.C. §112, 6th paragraph, the cited references, alone or in combination, fail to disclose or render obvious a sales processing device that includes the claimed fourth generating means "for *encrypting*" first information that has been separated by a separating means in the sales processing device.

At least for the foregoing reasons, claim 24 should be allowed.

Claims 25-28 depend from claim 24 and should be allowed for at least the same reasons as claim 24.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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No fee is believed due. However, please apply any charges or credits to deposit
account 06-1050.

Respectfully submitted,

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